

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

G. DANIEL WALKER,
Plaintiff,

v.

GAVIN NEWSOM, et al.,
Defendants.

No. 2:20-cv-2243 TLN AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a motion to strike or correct the June 27, 2022 order disregarding his notice regarding his position on settlement and requests for discovery. ECF No. 20. Plaintiff argues that the notice should not have been disregarded because there was no motion from defendant for a protective order regarding discovery and that his discovery requests were not premature because discovery can begin once the parties confer as required by Federal Rule of Civil Procedure 26(f). Id. at 1.

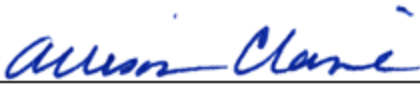
Plaintiff's notice was properly disregarded because, as the June 27, 2022 order stated, settlement negotiations and discovery requests are not to be filed. ECF No. 18. The court does not require a motion from a party to manage its docket and plaintiff's motion to strike or correct the order will be denied.

With regard to other issues plaintiff raises, because plaintiff is a prisoner proceeding pro se, this case is exempt from Federal Rule of Civil Procedure 26(f). See Fed. R. Civ. P. 26(f)(1)

(does not apply to proceedings exempt from initial disclosure under Fed. R. Civ. P. 26(a)(1)(B)); Fed. R. Civ. P. 26(a)(1)(B)(iv) (pro se prisoner actions exempt from initial disclosure). Instead, this court sets a schedule for discovery once the complaint has been answered. In this case, defendant has now answered the complaint, and a separate discovery and scheduling order will therefore issue. Plaintiff is further advised that because he is a pro se prisoner, his complaint was subject to screening under 28 U.S.C. § 1915A(a) and, as a result, no defendant was required to respond to the complaint until it had been screened. Finally, with regard to the Notice of this Court's Expedited Trial Setting Procedures Upon Consent of All Parties, those procedures apply only when all parties have consented to magistrate judge jurisdiction, which has not occurred in this case. Furthermore, the procedures do not provide for the shortened discovery period plaintiff was requesting and still provide for the filing of dispositive motions unless all parties agree they are unnecessary.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to strike or correct the June 27, 2022 order (ECF No. 20) is DENIED.

DATED: July 8, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE